THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8734 of 2007

Dated:26.04.2007

Between:

Sri K.Sunil Krishna Reddy.

... Petitioner

AND

The District Level Sand Committee, and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8734 of 2007

ORDER:

The first respondent conducted auction to lease out sand reach in River Penna at Pennabaddevolu Gram Panchayat limits. In the auction held on 26.10.2006, the petitioner became the highest bidder at Rs.1,20,000/-. The petitioner paid the sum equivalent to 25%. The auction was confirmed by the second respondent by proceedings dated 17.01.2007. The petitioner was informed to pay the balance 75% i.e., Rs.90,000/- within seven days from the date of receipt of the orders. The petitioner failed to pay the amount. Therefore, purporting to exercise powers under Sub Rules (3) and (4) of Rule 9-H of the Andhra Pradesh Minor Mineral Concession Rules, 1966, the second respondent issued the proceedings dated 03.04.2007, cancelling the auction and forfeiting the amount paid by the petitioner. This is assailed in the Writ Petition.

Under the Rule, which was in force at the relevant time, the Joint Collector being the Chairman of the District Level Committee was the competent authority either to confirm the auction or to cancel the auction for noncompliance with the requirement of payment of balance amount within seven days. As the impugned order is passed by the second respondent, the same is liable to be set aside. The legal position is not disputed nor denied by the learned Assistant Government Pleader.

In view of the above, the impugned order passed by the second respondent is set aside, and it shall, however, be open to the Joint Collector, who was the Chairman of the District Level Committee at the relevant time, to look into the matter and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

26.04.2007
vs